

an oversight hearing of the Subcommittee on Employment, Safety and Training in July of this year to examine this issue among others.

OSHA Assistant Secretary John Henshaw appeared at that hearing. While he earlier stated that reactive chemical safety is a "vital interest" of the agency, he would not commit to me any particular timetable to put this important rulemaking back on track. I am deeply concerned at OSHA's failure to issue new and revised safety standards on an efficient schedule and at the low priority this item appears to have on OSHA's agenda. As the Chemical Safety Board's compelling statistics make clear, every year of delay on this regulation will cause additional needless deaths among America's working families. And there is ever present risk of a public catastrophe.

The Chemical Safety Board has now issued strong recommendations to both OSHA and EPA to address the safety of reactive chemicals through new regulations. President Bush's new appointee to head the Board, Carolyn Merritt, endorsed both these actions. A 30-year veteran of the chemical industry, she lamented the loss of life from reactive chemicals, noting that "it is much cheaper to invest in sound safety management systems than to pay the cost of a major accident." I hope this is a view that prevails within the administration.

By statute, OSHA and EPA must respond to the Chemical Safety Board's recommendations within 180 days. I urge both Assistant Secretary Henshaw and Administrator Whitman not to wait, but to immediately accept these recommendations and begin enacting new standards. Every day without these standards is another day of peril for workers like Rodney Gott, and for the thousands of people who live and work around chemical facilities nationwide.

The Executive Summary of the Chemical Safety Board's investigation Improving Reactive Hazard Management is too lengthy to include in the record. It can be found on the Chemical Safety Board Web site: <http://www.csb.gov/info/docs/2002/ExecutiveSummary.pdf>

REALITY CHECK ON BALLISTIC IMAGING

Mr. CRAIG. Mr. President, the Washington, DC, area is in the midst of a terrible crisis. As we all know too well, a murderer has gunned down nine people in cold blood during the past two weeks. Two other victims, including a child, have by the grace of God survived these sick and senseless attacks. Our thoughts and prayers go out to the bereaved, even as we try to comfort and reassure our own families and communities.

I am confident that the deranged person or persons causing all this suffering will be caught. The attempt to hold this area hostage to fear and in-

timidation will fail, and law enforcement officers will bring the guilty to justice.

As investigators are running down tips and testing forensic evidence, a sudden cry has gone up in some quarters demanding the dramatic expansion of a process known as "ballistic imaging." This technology is a tool employed to assist law enforcement in the analysis of crimes committed with a firearm.

I would like to take a moment to talk about this technology and make sure all our colleagues understand its benefits and limitations. It is easy for good people in the heat and emotion of these troubled times to be swept away by apparently easy solutions to enormously complex problems, and I believe that before we begin to think about expanding ballistic imaging in the United States, we should first take stock of what we do know.

Ballistic imaging technology can be a useful tool in the investigation of crimes committed with firearms. As currently used, forensic experts are able to electronically scan into a database a shell casing recovered from a crime scene to determine if that case matches those from other crime scenes. The technology can serve as a starting point in assisting law enforcement in determining if the same firearm was involved in multiple crimes.

The Federal Government has worked for nearly 10 years on developing an imaging network. The National Integrated Ballistic Information Network, NIBIN, administered by the Bureau of Alcohol, Tobacco, and Firearms, BATF, provides Federal, State, and local law enforcement officials with critical ballistics information on crimes committed with a firearm. This system matches shell casings recovered from crime scenes to ascertain if a firearm has been used in multiple assaults. By focusing strictly on cases recovered from crime scenes, NIBIN cannot be used to build a database of firearm owners, thereby guaranteeing the security and legal rights of millions of Americans who are law-abiding gun owners.

How does it work? When a firearm is discharged, both the shell casing and the bullet traveling down the barrel of the gun are imprinted with distinctive marks. The bullet takes on marks from the barrel's rifling, and the casing is marked by the gun's breech face, firing pin and shell ejector mechanism. Some guns, such as revolvers or single-shot rifles, might not leave ejection marks. These imprints are distinctive to a firearm. A ballistic imaging program can run a casing through its database and select those that offer a close match. A final identification is made visually by a highly trained ballistic examiner. This process does not lend itself to examining bullets from a firearm. Often, bullets are severely damaged on impact. Bullets recovered are usually examined visually by experts.

It is critically important to understand that this is not "ballistic DNA"

or "ballistic fingerprinting." Unlike DNA or fingerprints that do not change over time, the unique marks that can identify a particular bullet or shell casing can change because of a number of environmental and use factors. Barrels and operating parts of firearms change with use and wear and tear over time. Moreover, a person can, within minutes, use a file to scratch marks in a barrel or breech face, or replace a firing pin, extractor, and barrel thereby giving a firearm a completely "new" ballistic identity. In other words, imaging remains a tool, but not a silver bullet, in criminal investigations.

Legitimate concerns have been raised about creating a national database that would store ballistic images from all firearms sold. We know that such a database would involve huge costs to the government, firearms manufacturers, and customers. Furthermore, it raises questions about a legal "chain of evidence," i.e., how to handle and store hundreds of millions of bullets or shell casings without exposing all such evidence to attack by defense lawyers. It could also break existing law by creating a database of law-abiding firearms owners and prove much less effective than NIBIN.

A recent study completed by the California Department of Forensic Services on creating a ballistic imaging network merely on a statewide level stated: "When applying this technology to the concept of mass sampling of manufactured firearms, a huge inventory of potential candidates will be generated for manual review. This study indicates that the number of candidate cases will be so large as to be impractical and will likely create logistic complications so great that they cannot be effectively addressed." The study pointed out that when expanding the database of spent shell casings, the system will generate so many "hits" that could be potential matches, it would not be of any use to forensic examiners. Other problems included guns making different markings on casings from different ammunition manufacturers; the shipping, handling, and storage of spent shell casings; the fact that some firearms do not leave marks that can be traced back to that particular firearm; and the requirement of highly-trained personnel for proper operation.

What about the success rate of statewide systems already in operation? Maryland introduced its own ballistic imaging system in 2000. Every new handgun that is sold in the State must be accompanied by spent shell casings for input into the imaging network. According to Maryland budget figures, approximately \$5 million has been spent on the system. According to Maryland law enforcement officials, it contains over 11,000 imaged cartridges, has been queried a total of 155 times and has not been responsible for solving any crimes. Meanwhile, in New York, there have been thousands of cartridges entered into their database

and, according to reports, no traces have resulted in criminal prosecutions.

Let me raise one more concern. It is clear that any ballistic imaging network would only be as good as the records it contains. While all the proposals put forward deal with compiling information from new firearms, today in the United States, it is estimated that there are more than 200 million firearms in private hands. It would be impossible to retrieve these firearms for ballistics documentation without violating the constitutional rights of millions of law abiding firearms owners.

All of these considerations should be food for thought to anyone seriously contemplating a national ballistic imaging network. At the very least, they support the conclusion that we should look, and look carefully, before we leap into this system. President Bush is calling for a study of the ballistic imaging technology, and so are some members of Congress. For example, the Ballistic Imaging Evaluation and Study Act, introduced in both the House and Senate by the bipartisan, bicameral team of Representative MELISSA HART and Senator ZELL MILLER, would order the Department of Justice to contract for a study by the National Academy of Sciences, which would examine the many questions surrounding imaging technology and provide a list of recommendations to policymakers and Congress. Enacting legislation to begin a study of this technology should be a priority. The proper allocation of dollars to fight crime is critical to ensuring safe communities, and we should obtain firm scientific conclusions on which to base decisions on how best to deploy this technology.

ADDITIONAL STATEMENTS

IN CELEBRATION OF THE WOMEN AT GROUND ZERO

• Mrs. BOXER. Mr. President, I would like to take this opportunity to share with the Senate my thoughts on 33 women who courageously served as rescue and medical workers, firefighters and police officers in New York City on September 11, 2001.

It is my great honor to recognize the extraordinary contributions made by these rescue workers who bravely worked to save lives at Ground Zero in New York City during the horror of September 11, 2001. The selfless actions of these women helped heal our country during a time of national tragedy. On September 11, we found out as a Nation what heroism truly is, how strong and united we can be, how we can set aside differences for the greater good and work together. And these women helped show us the way.

Some wonderful people in my home State of California are bringing these women to Sonoma County for an all-expense-paid week in the wine country to pay tribute to their heroism. I want

to send my warmest thanks to Susan Hagen and Mary Carouba, authors of *Women at Ground Zero*, who wanted to make sure that the contributions of women rescue workers were recognized and honored along with their male counterparts.

In honor of their incredible efforts on September 11 and the important work they do every day, I am going to read the names of 30 women who worked at Ground Zero and then I will remember 3 women rescue workers who lost their lives on September 11, 2001.

Detective Jennifer Abramowitz; Rose Arce, who is not a rescue worker but who was doing a live broadcast next to Ground Zero on September 11 in order to get vital escape and rescue information out; Lieutenant Doreen Ascatisno; Captain Brenda Berkman; Maureen Brown; Tracy Donahoo; Major Kally Eastman; Bonnie Giebfried; Lieutenant Kathleen Goncz; Sarah Hallett, PhD; Captain Rochelle "Rocky" Jones; Sue Keane; Tracy Lewis; Patty Lucci; Christine Mazzola; Lieutenant Ella McNair; Captain Marianne Monahan; Lieutenant Amy Monroe; Lois Mungay; Captain Janice Olszewski; Carol Paukner; Sergeant Carey Policastro; Mercedes Rivera; Lieutenant Kim Royster; Maureen McArdle-Schulman; Major Molly Shotzberger; JoAnn Spreen; Captain Terri Tobin; Nancy Ramos-Williams; and Regina Wilson.

I also want the following names to be memorialized today: Yamel Merino, Emergency Medical Technician; Captain Kathy Mazza, Commanding Officer of the Police Academy at the Port Authority Police Department; and Moira Smith, police officer with the New York Police Department. All three of these women sacrificed their lives on September 11, 2001 in their heroic efforts to save the lives of others.

None of us is untouched by the terror of September 11, and many Californians were part of each tragic moment of that tragic day. I offer today this tribute to the heroic women who worked tirelessly and selflessly at Ground Zero. I want to assure the families of Yamel Merino, Captain Kathy Mazza, and Officer Moira Smith that their mothers, daughters, aunts, and sisters will not be forgotten. And we will always be grateful to the brave men and women who worked tirelessly and selflessly at Ground Zero.●

IN RECOGNITION OF THE SAN FRANCISCO GIANTS

• Mrs. BOXER. Mr. President, I come before my colleagues today to pay tribute to the San Francisco Giants and their exceptional achievements on their road to the National League Pennant. On October 14, the Giants won the National League Championship Series in the bottom of the ninth inning on three consecutive hits in a rally that began with two outs. This game, and this particular conclusion, were emblematic of their entire season—hard fought, dramatic and filled with contributions from the entire lineup.

Earlier in the season some said that the team did not have a serious chance to make the post-season. One local sports columnist said the Giants should play minor league prospects in September because their situation was effectively hopeless—the Giants were 11½ games out of first place in the Western Division with a week left in August.

Manager Dusty Baker said throughout the season that the Giants were a team of veterans, and he expected them to have a strong second half of the season. He was right, as he has been so many times. After their low mark in August the team went on a run that never ended. The Giants have won 32 of their past 43 games, including eight straight at the end of the season.

This will be the first World Series appearance for the San Francisco Giants since 1989. Their only other trip to the Series was in 1962. Giants fans are rightly thrilled. This has been a special season for the Giants, marked by savvy decisions in the front office, great leadership from the manager, key contributions from the entire team and outstanding fan support. This pennant is a result of organization-wide commitment and effort.

In a world with much cause for anxiety, our national pastime provides a welcome break. I invite my colleagues to join me in saluting the San Francisco Giants, baseball's 2002 National League Champions.●

IN RECOGNITION OF THE ANAHEIM ANGELS

• Mrs. BOXER. Mr. President, I come before my colleagues today to offer my congratulations to the Anaheim Angels on their American League Championship Series victory. The Angels 13 to 5 win on October 13 gives Anaheim its first World Series berth in its 42-year history, a dream come true for Angels' fans around the country.

Throughout the 2002 season, the Angels have demonstrated the grit, dedication and focus that it takes to become champions. Baseball fans across the Nation have fallen in love with this team, not only because of its winning ways, but because of how it wins. It is only appropriate that the Angels' hard work be rewarded with a chance at a World Series Championship.

The road to the World Series was not easy for the Anaheim Angels. Making the playoffs as a wildcard team, nobody expected the Angels to win. When the team matched up against the perennial favorite New York Yankees in the first round of the playoffs, the odds against them grew even greater. However, against all odds, and contrary to the experts who said they could not win, the Anaheim Angels went out and proved everyone wrong.

On the strength of a record-tying inning, and a three home-run night by second baseman Adam Kennedy, the Angels scored 10 runs in the seventh inning to beat a determined Minnesota